

L.W., a minor, by and through his parents)
SAMUEL and TINA WHITSON,)
))
Plaintiff,)
))
v.) **No. 3:05-CV-274**
) **(Phillips)**
KNOX COUNTY BOARD OF EDUCATION, et al.,)
))
Defendants.)

Plaintiff L.W., a minor, challenges the action and policy of defendants Knox County Board of Education, Superintendent Charles Lindsey, and Principal Cathy Summa, that served to preclude L.W., as well as other students at Karns Elementary School (KES) from reading and discussing the Bible with friends during recess. L.W. has sued defendants alleging school officials' actions have violated his rights under the Free Speech Clause, the Free Exercise Clause, the Establishment Clause, the Due Process Clause, and the Equal Protection Clause. This is the second time for this court to consider motions for summary judgment in this matter.

In their motions, the parties allege no new facts, nor do they allege any new arguments. Rather, they simply repeat the same arguments this court has previously considered. Nonetheless, upon a careful review of the record, the court finds that there remain issues of material fact for trial to determine whether defendants' actions violated

plaintiff L.W.'s First Amendment rights. Accordingly, the parties cross-motions for summary judgment [Docs. 120, 123] are **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge